

COMMISSION DIRECTIVE

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>November 1, 2006</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2005-224-C</u> <u>1999-515-C</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		
SUBJECT:			

DOCKET NO. 2005-224-C – Petition of the Office of Regulatory Staff for the Commission to Order a Rule to Show Cause as to Why the Certificates of Public Convenience and Necessity for Certain Providers of Telecommunications Services Should Not Be Revoked
-AND-

DOCKET NO. 1999-515-C - Application of Flatel, Incorporated d/b/a Telephone USA (fka: d/b/a Florida Telephone Company) for a Certificate of Public Convenience and Necessity for Authority to Provide Local Exchange Service

Discuss with the Commission a Request to Reinstate Certificate Filed on Behalf of the Company.

COMMISSION ACTION:

Move that we grant the request for reinstatement of the Company's Certificate. However, I also move that the Company be required to file certain information and take certain actions within 30 days of its receipt of this Commission's Order. First, Flatel must provide to the ORS data, records, and information to clarify its annual gross receipts earned in South Carolina for the years 2004 and 2005. Second, Flatel must file Universal Service Fund worksheets with the ORS for the years 2004 and 2005 to determine if Flatel owes any unpaid contributions to the South Carolina USF and, if so, to make such contributions. Next, the Company must appoint a registered agent for service in the State of South Carolina and perform whatever other actions are required to bring the company into good standing with the South Carolina Secretary of State's Office as a foreign corporation authorized to do business in this State. Further, Flatel must immediately cease and desist from soliciting or acquiring any additional customers in South Carolina pending a final disposition of this matter to resolve the status of Flatel's certification from the Commission to operate as a telephone utility in South Carolina. In addition, Flatel must remit to the State of South Carolina and the ORS any assessment of monies determined by the ORS to be past due by Flatel for gross receipts earned in South Carolina during 2004 and 2005, such amount as to be determined by the ORS and carried forward for payment with Flatel's 2006 assessment in accordance with Proviso 1B, Sec. 42A.3 of the South Carolina FY 2006-2007 Budget (Bill H. 4810). The Company should also notify the ORS and the Commission immediately of any additional future changes in the address of its principal place of business. At the end of the thirty day period after the Company's receipt of the Commission's Order in this matter, the ORS shall report back to the Commission with regard to the Company's compliance with Commission rules and regulations and the requests made by the ORS as stated in this Motion. At that time, the Commission will make a decision as to whether to revoke the Company's Certificate, to allow the Certificate to remain in full force and effect, or to take such other necessary action as the Commission may deem appropriate.

PRESIDING	<u>Hamilton</u>					
	MOTION	YES	NO	OTHER	APPROVED	<input type="checkbox"/>
					APPROVED STC 30 DAYS	<input type="checkbox"/>
CLYBURN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		ACCEPTED FOR FILING	<input type="checkbox"/>
FLEMING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Absent	DENIED	<input type="checkbox"/>
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		AMENDED	<input type="checkbox"/>
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		TRANSFERRED	<input type="checkbox"/>
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		SUSPENDED	<input type="checkbox"/>
MOSELEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		CANCELED	<input type="checkbox"/>
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		SET FOR HEARING	<input type="checkbox"/>
					ADVISED	<input type="checkbox"/>
Session:	Regular				CARRIED OVER	<input type="checkbox"/>
Time of Session	<u>2:30 PM</u>				RECORDED BY	<u>Schmieding</u>

Commissioner Fleming was on Annual Leave